

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JEREMY ARNESON,

Plaintiff,

CV No. 07-00255-AS

v.

OPINION  
AND ORDER

SGT. HALE; DR. JOHN DOE 1; DR. JOHN DOE 2;  
JANE DOES 1-10,

Defendants.

---

ASHMANSKAS, Magistrate Judge:

Presently before the court is the Motion to Strike Portions of the Complaint (No. 6) filed by defendant Sergeant Hale pursuant to Rule 12(f) of the Federal Rules of Civil Procedure. Defendant Hale seeks to strike three portions of the complaint on the ground that they are “scandalous” as that term is used in Rule 12(f). Having considered the parties' arguments and relevant authority, defendant's motion is DENIED.

Defendant concedes that motions under Rule 12(f) are generally disfavored. Moreover, the allegations at issue, while prejudicial to defendant Hale and non-party Oregon Department of

Corrections, do not rise to the level of scandalous matter. The court finds the characterization of the allegations set forth in plaintiff's brief to be more accurate. The language at issue does not run afoul of Rule 12(f), and the court declines to exercise its discretion to strike the challenged portions of the complaint.

The court accepts plaintiff's willingness to amend paragraph 25 of the complaint to replace the term "cheap shot" with "tackle designed to inflict injury." The amendment may be made by interlineation, if plaintiff so chooses.

For these reasons Defendant Hale's Motion to Strike Portions of the Complaint (No. 6) is DENIED.

DATED this 22nd day of June, 2007.

---

/s/Donald C. Ashmanskas

DONALD C. ASHMANSKAS  
United States Magistrate Judge